



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1224

Introduced 2/6/2019, by Sen. Laura M. Murphy

SYNOPSIS AS INTRODUCED:

65 ILCS 5/7-1-13

from Ch. 24, par. 7-1-13

Amends the Illinois Municipal Code. Provides that before a municipality may annex an area under 60 acres, the corporate authorities of the municipality must conduct at least 2 public hearings no less than 30 business days apart. Provides that during the first public hearing, the corporate authorities must provide persons interested in the annexation the opportunity to be heard. Provides that during the second or subsequent public hearing, the corporate authorities may adopt an ordinance annexing the area only if the municipality obtains consent to annex the area through a petition signed by: more than 50 percent of the registered voters of the area; and more than 50 percent of the owners of land in the area if the registered voters of the area do not own more than 50 percent of the land in the area. Provides that if the municipality cannot obtain consent it may file a petition in the circuit court in the county that the land is to be annexed requesting relief and that relief shall only be granted: (1) if no objections were filed with the municipality or circuit court; or (2) for existing public health and safety reasons that cannot be resolved without the annexation.

LRB101 08078 AWJ 53141 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by
5 changing Section 7-1-13 as follows:

6 (65 ILCS 5/7-1-13) (from Ch. 24, par. 7-1-13)
7 Sec. 7-1-13. Annexation.

8 (a) Whenever any unincorporated territory containing 60
9 acres or less, is wholly bounded by (a) one or more
10 municipalities, (b) one or more municipalities and a creek in a
11 county with a population of 400,000 or more, or one or more
12 municipalities and a river or lake in any county, (c) one or
13 more municipalities and the Illinois State boundary, (d) except
14 as provided in item (h) of this subsection (a), one or more
15 municipalities and property owned by the State of Illinois,
16 except highway right-of-way owned in fee by the State, (e) one
17 or more municipalities and a forest preserve district or park
18 district, (f) if the territory is a triangular parcel of less
19 than 10 acres, one or more municipalities and an interstate
20 highway owned in fee by the State and bounded by a frontage
21 road, (g) one or more municipalities in a county with a
22 population of more than 800,000 inhabitants and less than
23 2,000,000 inhabitants and either a railroad or operating

1 property, as defined in the Property Tax Code (35 ILCS
2 200/11-70), being immediately adjacent to, but exclusive of
3 that railroad property, (h) one or more municipalities located
4 within a county with a population of more than 800,000
5 inhabitants and less than 2,000,000 inhabitants and property
6 owned by the State, including without limitation a highway
7 right-of-way owned in fee by the State, or (i) one or more
8 municipalities and property on which a federally funded
9 research facility in excess of 2,000 acres is located, that
10 territory may be annexed by any municipality by which it is
11 bounded in whole or in part, by the passage of an ordinance to
12 that effect after notice is given as provided in subsection (b)
13 of this Section. Land or property that is used for agricultural
14 purposes or to produce agricultural goods shall not be annexed
15 pursuant to item (g). Nothing in this Section shall subject any
16 railroad property to the zoning or jurisdiction of any
17 municipality annexing the property under this Section. The
18 ordinance shall describe the territory annexed and a copy
19 thereof together with an accurate map of the annexed territory
20 shall be recorded in the office of the recorder of the county
21 wherein the annexed territory is situated and a document of
22 annexation shall be filed with the county clerk and County
23 Election Authority. Nothing in this Section shall be construed
24 as permitting a municipality to annex territory of a forest
25 preserve district in a county with a population of 3,000,000 or
26 more without obtaining the consent of the district pursuant to

1 Section 8.3 of the Cook County Forest Preserve District Act nor
2 shall anything in this Section be construed as permitting a
3 municipality to annex territory owned by a park district
4 without obtaining the consent of the district pursuant to
5 Section 8-1.1 of the Park District Code.

6 (b) The corporate authorities shall cause notice, stating
7 that annexation of the territory described in the notice is
8 contemplated under this Section, to be published once, in a
9 newspaper of general circulation within the territory to be
10 annexed, not less than 10 days before the passage of the
11 annexation ordinance, and for land annexed pursuant to item (g)
12 of subsection (a) of this Section, notice shall be given to the
13 impacted land owners. The corporate authorities shall also, not
14 less than 15 days before the passage of the annexation
15 ordinance, serve written notice, either in person or, at a
16 minimum, by certified mail, on the taxpayer of record of the
17 proposed annexed territory as appears from the authentic tax
18 records of the county. When the territory to be annexed lies
19 wholly or partially within a township other than the township
20 where the municipality is situated, the annexing municipality
21 shall give at least 10 days prior written notice of the time
22 and place of the passage of the annexation ordinance to the
23 township supervisor of the township where the territory to be
24 annexed lies. If the territory to be annexed lies within the
25 unincorporated area of a county, then the annexing municipality
26 shall give at least 10 days' prior written notice of the time

1 and place of the passage of the annexation ordinance to the
2 corporate authorities of the county where the territory to be
3 annexed lies.

4 (b-5) Notwithstanding any other provision in this
5 Division, before a municipality may annex an area under 60
6 acres under this Section, the corporate authorities of the
7 municipality must conduct at least 2 public hearings. The
8 hearings must be conducted not less than 30 business days
9 apart. During the first public hearing, the corporate
10 authorities must provide persons interested in the annexation
11 the opportunity to be heard. During the second or subsequent
12 public hearing, the corporate authorities may adopt an
13 ordinance annexing the area only if the municipality obtains
14 consent to annex the area through a petition signed by:

15 (1) more than 50% of the registered voters of the area;
16 and
17 (2) if the registered voters of the area do not own
18 more than 50% of the land in the area, more than 50% of the
19 owners of land in the area.

20 If the municipality cannot obtain consent, it may file a
21 petition in the circuit court in the county that the land is to
22 be annexed requesting relief. Relief shall only be granted: (1)
23 if no objections were filed with the municipality or circuit
24 court; or (2) for existing public health and safety reasons
25 that cannot be resolved without the annexation.

26 (c) When notice is given as described in subsection (b) of

1 this Section, no other municipality may annex the proposed
2 territory for a period of 60 days from the date the notice is
3 mailed or delivered to the taxpayer of record unless that other
4 municipality has initiated annexation proceedings or a valid
5 petition as described in Section 7-1-2, 7-1-8, 7-1-11 or 7-1-12
6 of this Code has been received by the municipality prior to the
7 publication and mailing of the notices required in subsection
8 (b).

9 (Source: P.A. 96-1000, eff. 7-2-10; 96-1048, eff. 7-14-10;
10 96-1049, eff. 7-14-10; 97-333, eff. 8-12-11; 97-446, eff.
11 8-19-11.)